

## **UTT/13/2395/FUL (SAFFRON WALDEN)**

(Councillor interest in application site – Cllr Redfern)

**PROPOSAL:** Erection of one dwelling representing a variation in approved house type for Plot 10.

**LOCATION:** Goddards Yard, Thaxted Road, Saffron Walden

**APPLICANT:** Fowe Development Limited.

**AGENT:** KMBC Planning

**EXPIRY DATE:** 25 October 2013

**CASE OFFICER:** Clive Theobald

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### **1. NOTATION**

- 1.1 Within Development Limits / Residential Land Allocation SW2 (Land east of Thaxted Road) / Part of site within Area of Environmental Value - Open Space and Trees (ENV3).

### **2. DESCRIPTION OF SITE**

- 2.1 The site is situated on the eastern side of Thaxted Road and currently comprises a commercial yard. The lower site frontage contains a single storey workshop, office and showroom building set back from the road (Paxtons Glass) with informal frontage parking, whilst a single storey vehicle workshop stands on higher ground along the site's rear boundary. The site's northern boundary comprises a screened chalk face abutting onto the adjacent Harris' Yard residential development, whilst the site's southern boundary backs onto a former railway line. It should be noted that the site area has been enlarged on its south-east corner compared to previously approved application UTT/13/0669/FUL for this site where it now includes part of the former railway embankment and alignment itself to extend up to the rear boundary of Nos.1 and 2 Prospect Place situated behind.

### **3. PROPOSAL**

- 3.1 This proposal relates to the change of approved house type for Plot 10 as originally approved under UTT/13/0669/FUL for the residential development of this brownfield site where that extant approval relates to the erection of 14 dwellings, garages and new access road from Thaxted Road. The revised house type would comprise a three storey dwelling with basement comprising five bedrooms on the first and second floors with an attached and recessed double garage also containing a basement and would be externally rendered in buff brickwork and brown plain tiles. There would be additional plot parking space for two vehicles on a frontage hardstanding extending off a front driveway where this in turn would lead off the end of the access hammerhead of the previously approved development. The dwelling would have an indicated rear amenity space of approximately 131sqm.

## **4. APPLICANT'S CASE**

4.1 A Design and Access Statement has been submitted with the planning application which states the following:

- Change of use of this brownfield site to residential use has already been granted under UTT/13/0669/FUL and no further change of use is needed
- The application site represents a small dwelling plot of approximately 500sqm in the south-east corner of the development site layout approved under UTT/13/2395/FUL).
- This application seeks the simple revision for Plot 10 to a larger dwelling to match the approved house type design specifications for adjoining Plots 11 and 12 where the density for the approved development remains unchanged.
- There would be no change in ground levels on the application site from those shown for the originally approved application with land levels sloping east from the rear boundary down to Thaxted Road (front). This part of the overall site is level for the proposed dwelling plot
- Vehicular access into the approved development site will remain unchanged for this revision application.
- The site is clear of mature vegetation throughout the area to be developed. The revision scheme will not affect any valuable existing landscape feature and will build upon existing features with new additional species planting of native trees and hedgerows which will help assimilate the development into the neighbourhood.
- The existing screening along the railway embankment would be retained.

## **5. RELEVANT SITE HISTORY**

5.1 Planning permission granted earlier this year subject to a Section 106 Agreement requiring education provision for the demolition of existing industrial buildings at this industrial site situated within development limits and erection of 14 No. dwellings with associated garaging, parking and new access road (UTT/13/0669/FUL) where this grant of permission by Members followed a grant of renewal of a previous outline approval for 12 No. dwellings and associated garaging, parking and new access road where officer reports for these previous application proposals established the principle of the change of use of Goddards Yard to residential use in accordance with the site's allocated housing status within the current local plan and as carried forward into the Council's Draft Local Plan.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy GEN2 – Design
- ULP Policy GEN8 - Parking
- ULP Policy ENV3 – Protected Open Space of Environmental Value

### **6.3 Uttlesford District DRAFT Local Plan**

- Policy DES1 – Design

- Policy TA1 – Vehicle Parking Standards
- Policy HE4 – Protecting the Natural Environment
- Policy HE5 – Traditional Open Spaces and Trees

## **7. TOWN COUNCIL COMMENTS**

- 7.1 No objections in principle as long as safety issues concerning the embankment are completely complied with.

## **8. CONSULTATIONS**

### **Anglian Water**

- 8.1 No comments.

### **Affinity Water**

- 8.2 The site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Debden Road pumping station. This is a public water supply comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

### **Essex County Council Highways**

- 8.3 No objections as this revision application does not seek an increase in residential units at the site.

### **Essex County Council Education**

- 8.4 The above application varies a house to the development permitted under UTT/13/0669/FUL. In the circumstances, we would request that the agreement dated 21 June 2013 in relation to UTT/13/0669/FUL for a secondary school contribution is varied to bring the new application proposal within it.

### **Essex County Council Archaeology**

- 8.5 The Historic Environment Record shows that the proposed development lies on the site of the redundant Saffron Walden branch line (EHER 372). The EHER shows no surviving structural elements relating to the railway on the proposed development site. Therefore, no archaeological recommendations are being made on this application

### **UDC Access and Equalities Officer**

- 8.6 The applicant needs to ensure that the Lifetime Homes Standard is met when amending the layout.

## **9.0 REPRESENTATIONS**

- 9.1 3 letters of objection received. Representation period expired 26 September 2013.

- Concern over the removal of the existing railway embankment, which is designated in the current local plan and in the emerging draft local plan as a Protected Open Space of Environmental Value where the area is protected under Policy ENV3. This protection was highlighted in the supporting case for a

previous planning application for residential development at this site. No objections were raised to this previous planning application (UTT/13/0669/FUL) as the embankment was shown not to be affected by the proposal.

- The current revision application intends to removal part of the embankment where Nos.1 and 2 Prospect Place adjacent are situated at lower ground level. The embankment provides a natural screen to Goddards Yard. Its removal would leave Nos.1 and 2 Prospect Place very exposed to the site development where their outlook, natural light and privacy would be compromised. The extended site boundary would be just 1 metre from the rear wall of these dwellings and the alternative would be to look out of the rear windows onto boundary planting proposed to be planted (Hawthorn - 2.4 metres), which would block our natural light. Any hedge planting roots would be close to the dwellings
- A noticeable change in ground levels currently exists at the back of Prospect Place and we are concerned how this will be levelled if the development proceeds and the embankment is removed and how the underground room proposed for the garage block might affect the chalk foundations of the Victorian dwellings which have cellars where this might result in possible movement and structural damage where this would involve a very deep dig. Would this operation require a retaining wall?

## **10. APPRAISAL**

The issues to consider in the determination of the application are:

- A Design (ULP Policy GEN2);
- B Whether parking arrangements would be satisfactory (ULP Policy GEN8);
- C Whether the proposal would be detrimental to a Protected Area of Open Space of Environmental Value (ULP ENV3);
- D Whether the proposal would be harmful to protected species (ULP Policy GEN7);
- E Impact on residential amenity (ULP Policy GEN2)

### **A Design (ULP Policy GEN2)**

10.1 As previously discussed, the principle of developing this brownfield site for residential use has already been established through the grant of previous planning applications and this issue does not therefore fall to be considered for the current revised application.

10.2 The current application proposes a change in approved house type from a three bedroomed dwelling without garaging, but with two hardstanding parking spaces to a larger 5 bedroomed dwelling with attached double garage. The scale of the revised dwelling type as shown would be compatible with the scale of the adjacent approved dwellings for Plots 11 and 12 when this is compared to the previously approved scheme, whilst the design and appearance of the revised dwelling would also be appropriate. From a design perspective, therefore, the change and enlargement in house type for Plot 10 would be acceptable. The rear amenity space for the new dwelling at approximately 131sqm would meet and exceed Essex Design Standards. It is therefore considered that the proposal would comply with ULP Policy GEN2.

### **B Whether parking arrangements would be satisfactory (ULP Policy GEN8)**

10.3 The revised dwelling would have 2 No. covered parking spaces and 2 No. hardstanding spaces with large drive feeding off the rear access hammerhead. The proposal would therefore meet and exceed the revised minimum parking requirement of 3 No. spaces for a 4+ bedroomed dwelling. The double garage would be slightly undersized in terms

of depth dimension, although some reduction in garage parking sizes were previously accepted under the previous grant of full planning permission for 14 dwellings at this site and it would be difficult in the circumstances to refuse planning permission on this basis. The proposal would therefore comply with ULP Policy GEN8.

**C Whether the proposal would have a detrimental impact on a Protected Area of Open Space of Environmental Value (ULP ENV3);**

10.4 The former railway alignment is designated as an area of Protected Open Space of Environmental Value in the current local plan where this has been included unchanged within the Council's Draft Local Plan. Parts of its length along the southern boundary of the site where it runs parallel with the unmade lane known as Prospect Place has been filled in and built over where these sections now form part of the rear gardens of the properties running along the north side of the lane where one newer property at the top of the lane benefits from a large garage block which straddles it. It is accepted that its value as a protected area of open space has been eroded to some extent in view of this fact. Further, it is understood that the applicant has control and ownership of this strip of adjacent land where the proposed extended curtilage of the new enlarged plot area for Plot 10 would break through the existing embankment, which contains a natural hedge and tree screen. Whilst noting this and the previous infilling/building over precedents which exist, it is considered nonetheless that the remainder of this "linear" green space, including the boundary embankment should be preserved and not be further compromised. In these circumstances, it is considered that the proposal would be contrary to ULP Policy ENV3 of the local plan.

**D Whether the proposal would have a harmful impact on protected species (ULP Policy GEN7)**

10.5 The applicant has followed Standing Advice of Natural England with regard to whether the proposal is likely to have a harmful effect on bio-diversity or protected species and has concluded from this that the proposal would have a negligible effect given the nature and condition of the land. One side of the railway embankment currently represents an industrial yard, whilst the alignment itself has been partially filled and utilised for domestic purposes as previously mentioned. It is considered from this that it is unlikely that bio-diversity or protected species would be harmed by the additional land taken up by the enlarged Plot 10, although it is possible that nesting birds are present along the embankment hedgerow. The proposal would therefore comply with ULP Policy GEN7 in this respect.

**E Impact on residential amenity (ULP Policy GEN2)**

10.6 As previously mentioned, the site area for the previously approved residential re-development of Goddards Yard is shown to be extended in the south-east corner for the current application where it now breaks through the alignment of the former railway line and where this was not indicated for the previously approved applications. The result of this is that the proposed curtilage area for Plot 10 would extend to within 1 metre of the rear facing wall of Nos.1 and 2 Prospect Place on its southern side. Currently, the residents of these properties enjoy a rear amenity outlook from both ground and first floor windows onto the screened railway embankment beyond. The revised proposal would have the effect of removing this natural screen whereby any proposed boundary planting as indicated along this extended southern boundary to compensate for this would in time obscure the rear elevation of these two properties whereby it is the view of your Officers that the reasonable residential amenities of the occupants of these two properties would be severely compromised through significant loss of natural light and outlook. This reasoning is reflected in the comments received

from the occupants of Nos.1 and 2 Prospect Place and also those received from No.3 Prospect Place adjacent. Whilst it is accepted that a right to a view is not a material planning consideration and whilst noting the reason for the applicant wishing to increase the size of the dwelling for Plot 10, it is considered that a balance has to be struck between the applicant's requirements and the impact that this revised proposal is likely to have upon adjacent local residents where this issue did not previously arise. As such, the revised proposal is considered to be contrary to ULP Policy GEN2.

10.7 The residents' comments concerning the possible impact that the closeness of the development would have on the structural integrity of Nos.1 and 2 Prospect Place are noted. However, Building Control have advised that it would be possible to provide a technical solution to this issue, which would involve the use of piling to reduce the risk of structural failure.

## **11. CONCLUSION**

The following is a summary of the main reasons for the recommendation:

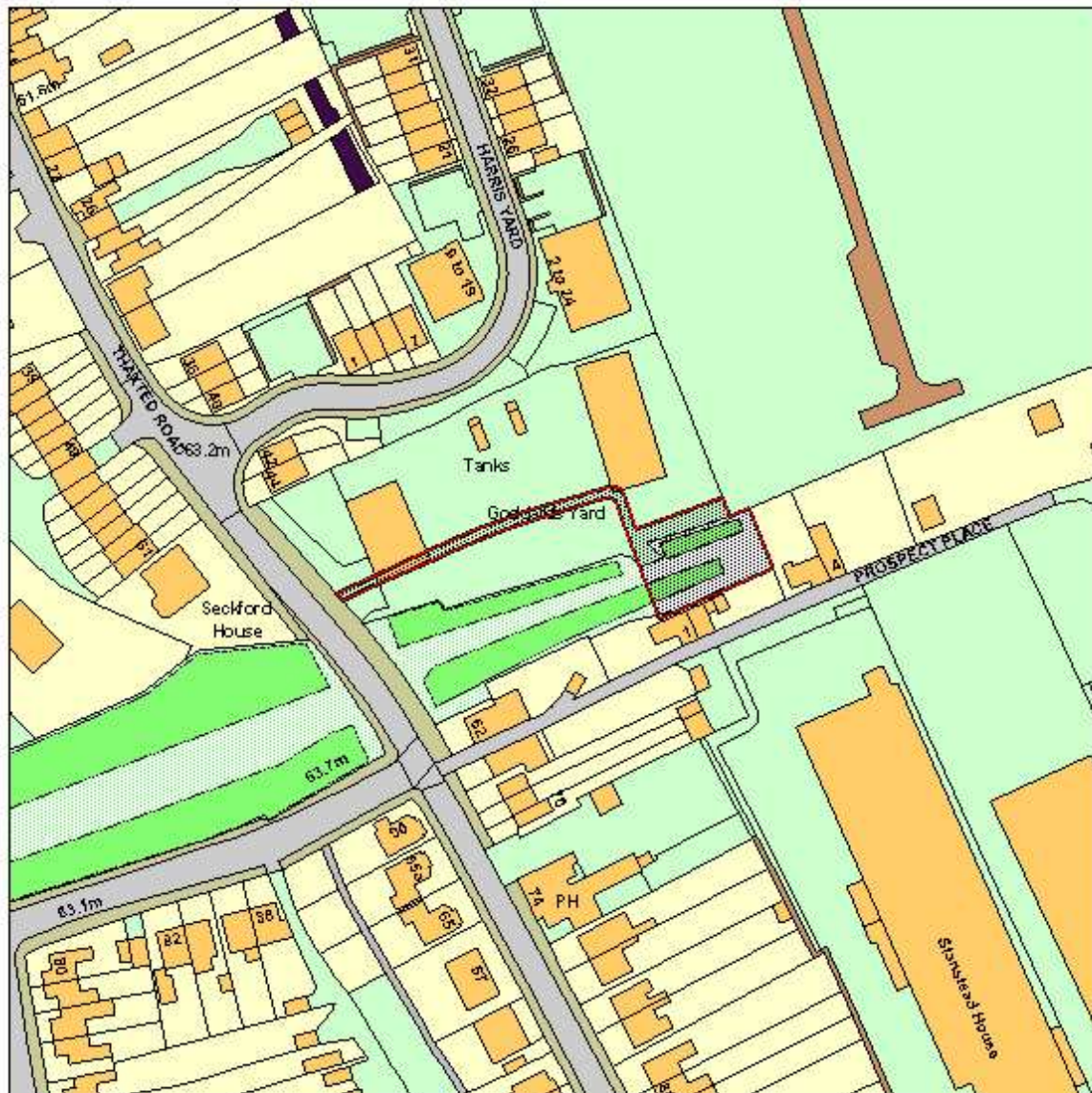
- A The revision in house type and subsequent enlarged plot area as proposed would have a harmful effect on a Protected Area of Open Space of Environmental Value (ULP ENV3)
- B The proposal would have a subsequent detrimental effect on adjacent residential amenity (ULP Policy GEN2).

## **RECOMMENDATION – REFUSAL**

1. The proposed development would extend into a Protected Area of Open Space of Environmental Value as shown on the Proposals Map for the currently adopted local plan where this open space comprises the alignment of a former railway line. It is considered that the proposal would erode the appearance of this designated open space, which would also involve the removal of the railway line embankment itself. The proposal would therefore be detrimental to ULP Policy ENV3 of the Uttlesford Local Plan (adopted 2005).
2. The proposal by reason of the closeness of the revised southern curtilage boundary for Plot 10 as extended through associated boundary works and indicated boundary screening would have a detrimental effect upon the reasonable residential amenities of Nos.1 and 2 Prospect Place through diminished outlook and diminished loss of natural light contrary to ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

UTT/13/2295/FUL

Goddards Yard, Thaxted Road, Saffron Walden



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